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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,482	11/12/1999	PETER BERNARD		1692

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Judith A. Szepesi
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

LAY, MICHELLE K

ART UNIT

PAPER NUMBER

2628

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/439,482	BERNARD ET AL.	
	Examiner	Art Unit	
	Michelle K. Lay	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,8 and 11-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8 and 11-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed 10/04/2005 has been entered and made of record. Claims 1, 2, 4, 5, 7, 8, 11-32 are pending.

Response to Arguments

Applicant's arguments filed 10/04/2005 have been fully considered but they are not persuasive. Applicant argues Fields et al. (6,581,109 B1) fails to teach receiving calibration parameters at the server in response to a request for images. Examiner respectfully disagrees. Fields teaches that the method/system of Fields provides an "on-the-fly" modification. The set of calibration parameters are stored at the server. When a request is made for a web page hosted by the server, the server identifies the user and applies the calibration parameters to color adjust the images as the page including that image is served [abstract]. Therefore, the user *does* make a request, i.e. a web page and from the calibration parameters within the server, the server applies the calibration of the page requested to the user.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims **1, 2, 4, 5, 7, 8** and **11-32** are rejected under 35 U.S.C. 102(e) as being anticipated by Fields et al. (6,581,109)

Regarding claim **1**, Fields discloses that the claimed feature of a system for providing images to a user comprising: in response to a request ["request"], from a user system [i.e. "client machine"] comprising a user color display device [i.e. "user's display monitor"], for one or more images, receiving, at a server ["sever"], characterization data [i.e. "calibration data"] for the user color display device; and utilizing the received characterization data ["calibration data/parameter"] provide a color-corrected ["color-adjusted"] version of the one or more images ["version of the image that has been color-adjusted"] to the user system ["client machine"]. (See Abstract, Fig 3, col. 2 lines 14-42; col. 4 lines 1-11, col. 6 line 55 – col. 7 line 27)

Regarding claim **2**, Fields discloses that displaying to the user a first icon on the display device. (See Fig 5, col. 6 lines 16-32)

Regarding claim **4**, Fields discloses that color correcting the one or more images on-the-fly. (See Abstract, col. 2 lines 14-21, col. 6 lines 60-62)

Regarding claim **5**, Fields discloses that selecting a group of one or more images from one or more groups of pre-transformed images [35,36,38]. (See Fig 2)

Regarding claim **7**, Fields discloses that color correcting the one ore more images in accordance with a predetermined set of display device color characterization parameters [i.e. "default image"; 36]. (See Fig 2, col. 4 lines 48-50)

Regarding claim **8**, Fields discloses that the user system is a client computer ["client"; 106] connected to a computer network ["network"; 18] including an Internet, an intranet, or a local area network. (See Fig 1)

Regarding claims **11-13**, Fields discloses that the receiving of the characterization data ["calibration data"] at the server comprising utilizing a cookie ["cookie"] previously dropped by the server on the user system, wherein the cookie contains information to enable the server to identify the user and the characterization data for the user color display device. (See col. 5 lines 24-28, col. 6 lines 33-42)

Regarding claim **14**, Fields discloses that retrieving from a database [i.e. "system memory", "ram"; 27] the user color display device characterization data ["calibration data"] for the user color display device in accordance with the user identification. (See Fig 1, Fig 2)

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Regarding claim **15**, claim 15 is similar in scope to the claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claim 15. Furthermore Fields discloses that the claimed feature of a system for providing images to a user comprising: in response to a request ["request"], from a user system [i.e. "client machine"] comprising a user color display device [i.e. "user's display monitor"], for one or more images, receiving, at a server ["server"], characterization data [i.e. "calibration data"] for the user color display device; and utilizing the received characterization data ["calibration data/parameter"] provide a color-corrected ["color-adjusted"] version of the one or more images ["version of the image that has been color-adjusted"] to the user system ["client machine"]. (See Abstract, Fig 3, col. 2 lines 14-42; col. 4 lines 1-11, col. 6 line 55 – col. 7 line 27)

Regarding claim **16**, claim 16 is similar in scope to the claim 2, and thus the rejection to claim 2 hereinabove is also applicable to claim 16.

Regarding claim **17**, claim 17 is similar in scope to the claim 3, and thus the rejection to claim 3 hereinabove is also applicable to claim 17.

Regarding claim **18**, claim 18 is similar in scope to the claim 4, and thus the rejection to claim 4 hereinabove is also applicable to claim 18.

Regarding claim **19**, claim 19 is similar in scope to the claim 6, and thus the rejection to claim 6 hereinabove is also applicable to claim 19.

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Regarding claim **20**, claim 20 is similar in scope to the claim 5, and thus the rejection to claim 5 hereinabove is also applicable to claim 20.

Regarding claim **21**, claim 21 is similar in scope to the claim 5, and thus the rejection to claim 5 hereinabove is also applicable to claim 21.

Regarding claim **22**, claim 22 is similar in scope to the claim 7, and thus the rejection to claim 7 hereinabove is also applicable to claim 22.

Regarding claim **23**, claim 23 is similar in scope to the claim 5, and thus the rejection to claim 5 hereinabove is also applicable to claim 23.

Regarding claim **24**, claim 24 is similar in scope to the claim 8, and thus the rejection to claim 8 hereinabove is also applicable to claim 24.

Regarding claim **25**, claim 25 is similar in scope to the claim 9, and thus the rejection to claim 9 hereinabove is also applicable to claim 25.

Regarding claim **26**, Fields discloses that the server includes the data provider. (See Fig 1-2)

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Regarding claim **27**, claim 27 is similar in scope to the claim 10, and thus the rejection to claim 10 hereinabove is also applicable to claim 27.

Regarding claim **28**, claim 28 is similar in scope to the claim 11, and thus the rejection to claim 11 hereinabove is also applicable to claim 28.

Regarding claim **29**, claim 29 is similar in scope to the claim 12, and thus the rejection to claim 12 hereinabove is also applicable to claim 29.

Regarding claim **30**, claim 30 is similar in scope to the claim 13, and thus the rejection to claim 13 hereinabove is also applicable to claim 30.

Regarding claim **31**, claim 31 is similar in scope to the claim 14, and thus the rejection to claim 14 hereinabove is also applicable to claim 31.

Regarding claim **32**, claim 32 is similar in scope to the claim 26, and thus the rejection to claim 26 hereinabove is also applicable to claim 32.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday through Thursday from 7:30am to 5:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee M. Tung, can be reached at (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michelle K. Lay
Patent Examiner
Division 2628
04.18.2006 mkl



PATENT EXAMINER



Kee M. Tung
Primary Examiner